

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA JOSE PIZARRO,

**DECLARATION OF
EARL WARD**

Plaintiff,

-against-

EUROS EL TINA RESTAURANT
LOUNGE AND BILLIARDS CORP.
, et al.

20 Civ. 5783 (AKH)

Defendants.
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DECLARATION OF EARL WARD IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND OTHER DISCRETIONARY COSTS
PURSUANT TO 42 U.S.C. § 1988 AND FED. R. CIV. P. 54(d)(2)

I, Earl Ward, declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, as follows:

1. I respectfully submit this declaration in support of plaintiff's application, pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2), for an order awarding plaintiff's counsel attorneys' fees as the prevailing party in this litigation.
2. I am a partner in the firm Emery Celli Brinckerhoff Abady Ward & Maazel LLP. I maintain my law offices at 600 Fifth Avenue, 10th Floor, New York, NY. I am a 1985 graduate of New York University School of Law. I have been practicing as a criminal defense and civil rights lawyer for thirty-eight years. Prior to entering private practice, I worked at the Legal Aid Society Criminal Defense Division, New York Civil Liberties Union, and the Neighborhood Defender Service of Harlem.
3. In matters involving civil rights claims and otherwise, my clients are overwhelmingly unable to afford the services of a lawyer on an hourly basis. Few if any have enough money to pay even a minimal retainer. My firm litigates these cases on a contingency basis, and we are compensated based on a portion of any judgment or settlement

obtained, or through fee petitions.

4. I have known one of plaintiff's counsel, Evan Brustein, for approximately ten years, and have worked closely with him over that period, particularly as opposing counsel in the case of Fowler v. City of New York, et al., 13-Civ. 3144 (CBA) (VVP).

5. In that case, I was particularly impressed by Mr. Brustein's diligence and skill in defending the case against my client. His work is consistently of fine quality, and his presence in the case enhanced the representation for his clients and his professionalism enabled us to resolve the case favorably and amicably for all parties.

6. Since that time, Mr. Brustein and I have regularly discussed prospective cases and issues regarding civil rights litigation. Through the course of these conversations and based upon my professional relationship with him it is fair to say that he has a keen ability to evaluate the strengths and weaknesses of cases, to determine damages, and devises savvy and appropriate approaches to litigation.

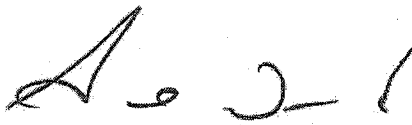
7. Mr. Brustein's rate of \$550.00 per hour is in keeping with prevailing market rates for lawyers of comparable skill and experience in the field. Mr. Brustein has accumulated considerable knowledge and skill in the field of civil rights litigation and this represents a minimally fair and reasonable rate for an attorney with Mr. Brustein's experience and competence.

8. I swear under penalty of perjury that the foregoing is true and correct.

Dated

December 1, 2023

New York, New York



Earl Ward, Esq.